

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN  
MADISON DIVISION**

TOWN BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

HALL, RENDER, KILLIAN, HEALTH &  
LYMAN, P.C. and  
ABC INSURANCE COMPANY,

Defendants.

Case No.: 3:23-cv-338

**NOTICE OF REMOVAL**

NOW COME the Defendants, Hall, Render, Killian, Heath & Lyman, P.C. and Allianz Global Risks US Insurance Company, by counsel Andrew P. Smith Kopka Pinkus Dolin, P.C., and respectfully file their Notice of Removal pursuant to 28 U.S.C. 1332 and 1446. In support hereof, Defendants allege and state as follows:

1. This action is being removed to the United States District Court for the Western District of Wisconsin, Madison Division, on the basis of diversity jurisdiction.
2. On April 11, 2023, Plaintiff filed in the Circuit Court of Dane County, State of Wisconsin, a Complaint under case number 2023-CV-000888. A copy of the Complaint is attached hereto.
3. A copy of the Complaint was served upon the Defendant Hall, Render, Killian Health & Lyman, P.C., through its registered agent by a private process server on or about April 20, 2023.
4. This action is a civil action brought in state court of which the district courts of the United States have original jurisdiction based upon 28 U.S.C. 1332 for diversity jurisdiction as it

is an action between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

5. Dane County is within the venue of the United States District Court for the Western District of Wisconsin, Madison Division.

6. Pursuant to the Complaint, Plaintiff is a national banking association with its principal place of business in Hartland Wisconsin. Upon information and belief, Plaintiff was incorporated in the State of Wisconsin. Therefore, pursuant to 28 U.S.C. 1332(c), Plaintiff is deemed a citizen of the State of Wisconsin.

7. Pursuant to the Complaint, Defendant Hall Render is a foreign professional corporation with its principal place of business in Indianapolis Indiana. Defendant Hall Render was incorporated in the State of Indiana, and therefore, pursuant to 28 U.S.C. 1332(c) is deemed a citizen of the State of Indiana.

8. The amount in controversy exceeds \$75,000.00, exclusive of interest and costs, as Plaintiff alleged in prior litigation that it was entitled to damages in excess of \$75,000.00 in state court proceedings in Circuit Court of Dane County Case No. 21-CV-1412 that is the basis of Plaintiff's claims herein.

9. This Notice of Removal is being filed pursuant to 28 U.S.C. 1446(b) within the applicable time period for removal.

10. A copy of the pleadings in the state court case is attached hereto as Exhibit 1.

WHEREFORE the Defendants, Hall, Render, Killian, Heath & Lyman, P.C. and Allianz Global Risks US Insurance Company, respectfully petition this Honorable Court for removal of this action from the Dane County Circuit Court of Wisconsin, to the United States District Court

for the Western District of Wisconsin, Madison Division, that this Court enter such orders as are appropriate, and for all further just and proper relief in the premises.

Respectfully submitted,

Counsel for Defendants

s/Andrew P. Smith

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